

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RODERICK W. LEAR,)	
)	Civil Action No. 06 - 1589
Plaintiff,)	
)	Judge Maurice B. Cohill
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
DAVID J. WAKEFIELD;)	
CORRECTION OFFICER MASCDEA;)	
LORI KWISNEK; DIANE; and JANE)	
DOE,)	
Defendants.)	

ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on November 28, 2006 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges

The Magistrate Judge's Report and Recommendation (doc. no. 30), filed on November 27, 2007 recommended that Defendants' Motion to Dismiss (doc. no. 16) be granted. The Report and Recommendation was served on the Plaintiff at his last known address, which is reflected on the docket as SCI Greensburg, RD 10, Box 10, Greensburg, PA 15601 and on counsel for the Defendants. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 18th day of December, 2007;

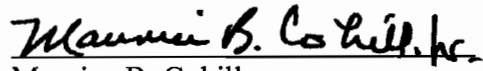
IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (doc. no. 16) is
GRANTED.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 30) of Magistrate Judge Lenihan, dated November 27, 2007, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED.**

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:


Maurice B. Cohill
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Roderick William Lear
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SCI Greensburg
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